

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)

Policies and Rules Concerning)
Unauthorized Changes of Consumers')
Long Distance Carriers)

CC Docket No. 94-129

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REPLY COMMENTS OF GTE

GTE Service Corporation ("GTE"), on behalf of its affiliated domestic telephone operating companies, including GTE Hawaiian Telephone Company Incorporated ("GTE Hawaiian Tel"),¹ submits the following reply to the comments submitted regarding the Commission's Notice of Proposed Rulemaking ("NPRM"), FCC 94-292, released on November 10, 1994 in this proceeding.

In its opening comments, GTE Hawaiian Tel explained that the one-PIC-per-customer notion underlying Section 64.1150(d)(4) of the Commission's proposed rules is incompatible with the situation in Hawaii where a customer may designate two long distance carriers — one for interstate calls and another

¹ While all of the GTE telephone operating companies provide local exchange service, GTE Hawaiian Tel also provides international long distance service to its customers in Hawaii.

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for international calls.² GTE Hawaiian Tel called for a modification of the proposed rules to account for such situations.

In its comments, General Communication, Inc. ("GCI") echoes the concerns expressed by GTE Hawaiian Tel.³ GCI explains that customers in Alaska are also able to designate more than one long distance carrier -- one for in-state calls and one for out-of-state-calls.⁴ GCI similarly notes the incompatibility of proposed Section 64.1150(d)(4) with this situation, calling for its deletion.⁵

Attached to GCI's comments is a sample of its letter of authorization ("LOA") in which GCI clearly spells out the three options available to the customer (i.e., in-state and out-of-state, in-state only, or out-of-state only). In completing the LOA, the customer simply checks off the option desired. GTE Hawaiian Tel believes that setting out the options in a similar manner is both appropriate and necessary to accommodate the situation in Hawaii. The LOA for carriers offering more than one type of long distance service in Hawaii (i.e.,

² *Comments of GTE* at p. 3.

³ *Comments of General Communication, Inc.* ("GCI Comments") at pp. 3-4; the *Comments on Notice of Proposed Rulemaking* of Allnet Communication Services, Inc. also touch upon the prospect of more than one long distance carrier (at p. 8).

⁴ GCI Comments at p. 3.

⁵ In Seward, Alaska, GTE Alaska Incorporated is required to provide customers the option of separate carriers for intrastate and interstate service in its presubscription process.

interstate and/or international) should set out each option separately in order to allow customers to choose the one they desire. Moreover, unless the services are separately identified, customers might be confused into believing they have signed on for a limited form of service only to later discover that the LOA they signed authorized the carrier to handle all of their long distance business.

In order to accomplish the foregoing, GTE Hawaiian Tel believes that the language of Section 64.1150(d)(4) should be deleted in favor of language requiring carriers offering multiple forms of long distance service to separately designate each option in their LOA.⁶

In connection with the issue of billing slammed customers, some commenters⁷ have suggested that such customers be absolved of any further charges from their previous carrier under any optional calling plan. Some believe that a change in a customer's PIC is the best evidence of an intent to terminate such a service while others believe that it would be the only fair thing to do since the customer may no longer have the benefits of the service.

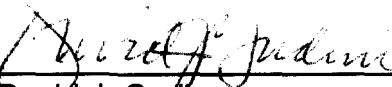
In the case of GTE Hawaiian Tel, however, a customer is not always required to designate GTE Hawaiian Tel as that customer's PIC in order to

⁶ GTE Hawaiian Tel further agrees with GCI that the use of the term "long distance carrier" would be preferable to the more confusing "primary interexchange carrier" and that the language in Section 64.1150(d)(3) regarding agency is not necessary and should be deleted to avoid confusion.

⁷ See, e.g., *MCI Comments* at pp. 14-15; *Comments of Sprint Communications Company* at pp. 10-11; *AT&T Comments* at pp. 18-19.

subscribe to a GTE Hawaiian Tel optional calling plan ("OCP") service. Thus, a customer may have another carrier as its PIC but still be subscribed to a GTE Hawaiian Tel OCP. Hence, a change in that customer's PIC (whether authorized or not) does not necessarily terminate that customer's optional calling plan ("OCP") service with GTE Hawaiian Tel or result in a loss of its benefits. Therefore, there is no reason to absolve all customers from paying GTE Hawaiian Tel for its OCP services simply because their PIC is wrongfully switched to another carrier. The Commission should thus avoid promulgating any general rule that would prevent carriers such as GTE Hawaiian Tel from being able to collect on legitimate charges.

Respectfully submitted,
GTE Service Corporation,
on behalf of its affiliated domestic
telephone operating companies

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ITS ATTORNEY

Certificate of Service

I, Judy R. Quinlan, hereby certify that copies of the foregoing "Reply Comments of GTE" have been mailed by first class United States mail, postage prepaid, on the 8th day of February, to all parties of record.



Judy R. Quinlan